

RECEIVED
CENTRAL FAX CENTER

JUN 03 2004

OFFICIAL

FAX TRANSMISSION

DATE:

6/3/04

PTO IDENTIFIER: Application Number 09/611,955-Conf. #6678
Patent Number

Inventor: Cyprian E. Uzoh et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

PHONE: (202) 331-7111

Attorney Dkt. #: 20136-00318-US

PAGES (Including Cover Sheet): _____

CONTENTS: Reply brief (in triplicate)
Fee transmittal
Petition
D.A. auth - client account
Certificate of fax transmission.

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

PTO/SB/97 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 6/3/04
Date

Debra Bennett
Signature

Debra Bennett
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Reply brief (in triplicate)
Fee transmittal
Petition
D.A. auth - client account
Certificate of fax transmission..

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	09/611,955-Conf. #8878
Filing Date	July 6, 2000
First Named Inventor	Cyprian E. Uzoh
Examiner Name	H. K. Vu
Art Unit	2818
Attorney Docket No.	20138-00318-US

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

09-0458

Deposit Account Name

IBM Corporation (Fishkill)

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-40** =		0.00
1	-8** =		0.00
Multiple Dependent			

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	66	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	66	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1462	110	2462	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1450	130	1450	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1609	770	2609	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

 Name (Print/Type) Burton A. Amernick

Registration No. (Attorney/Agent)

24,852

Telephone (202) 331-7111

Signature



Date

6-3-04

Docket No.: F19-97-205US2
(20136-00318-US)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Cyprian E. Uzoh et al.

Application No.: 09/611,955

Confirmation No.: 6678

Filed: July 6, 2000

Art Unit: 2818

For: METHOD TO SELECTIVELY FILL
RECESSES WITH CONDUCTIVE METAL

Examiner: H. K. Vu

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Primary Examiner's position that the Appeal Brief filed November 25, 2003 is not acceptable based upon the objection to the amendment to the specification under 35 U.S.C. §132 and objection to claim 25 being petitionable rather than being appealable.

The Appeal Brief filed on November 25, 2003 is proper since the objection to the specification under 35 U.S.C. §132 and the objection to claim 25 as containing new matter in the recitation "recesses located in at least one major surface of the semiconductor substrate" actually involve denial of claims 25 and 31-32 because of asserted material deficiency in the disclosure and are related to the merits of the patentability of these claims.

Accordingly, the above objections to the specification and to claims 25, 31 and 32 are appealable. See MPEP 1201.

Nevertheless, in an abundance of caution, Applicants have also filed a Petition to the Commissioner.

Conclusion

In view of the above and the Appeal Brief, it is abundantly clear that the Primary Examiner erred in finally rejecting claims 25-32. It is therefore respectfully requested that the Board reverse the Examiner and allow claims 25-32.

The Director is hereby authorized to charge any fees, or credit any overpayment associated with this communication, including any extension fees, to Deposit Account No. 09-0458, under Order No. 20136-00318-US from which the undersigned is authorized to draw.

Dated: June 2, 2004

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant